

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WISCONSIN

SHERILYN L. BARILANI, et al.

Plaintiffs,

STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES

Case No: 21-CV-000113

Involuntary Plaintiff,

vs.

HOUSING AUTHORITY OF THE CITY OF EAU CLAIRE,
KEITH D. JOHNATHAN, and ABC INSURANCE COMPANY,

Defendants.

**NOTICE OF LIEN OF THE STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES**

PLEASE TAKE NOTICE that the State of Wisconsin Department of Health Services, (hereinafter the “Department”), by its attorney, Kevin D. Bailey, hereby appears in the above-captioned action to demand that a copy of all pleadings therein be served upon said attorney at the Department of Health Services, Office of Legal Counsel, 1 West Wilson Street, P.O. Box 7850, Madison, Wisconsin 53707-7850.

PLEASE TAKE FURTHER NOTICE:

1. That by reason of providing medical assistance benefits to the plaintiffs, Sherilyn L. Barilani, ZCB, ACB, ALB, GMAB, under Wis. Stat. ch. 49 as a result of the injuries alleged in the plaintiff’s complaint, the Department is subrogated to the rights of the plaintiffs; is an assignee of the rights of the plaintiffs; and has a claim in the amount of \$439.32 as of April 5, 2021, together with any payments made after this date as a result of the conduct that is the subject-matter of this action, said claim being due and payable under Wis. Stat. § 49.89, and not subject to the “made whole rule.”

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2. That the claim of the Department constitutes a lien, according to Wis. Stat. § 49.89(2), and is equal to the amount of the medical assistance provided as a result of the injuries alleged in the plaintiff's complaint.

3. That such lien is on any payment resulting from a judgment or settlement that may be due the plaintiffs.

4. That such lien continues until it is released and discharged by the Department.

5. That the claim of the Department is to be represented by the plaintiffs pursuant to Wis. Stat. § 803.03(2)(bm) and that, therefore, further representation is to be assumed by plaintiff.

WHEREFORE, the Department requests judgment in an amount equal to its subrogation claim, together with such other and further relief as the Court deems just and equitable.

Dated this 20th day of April, 2021.

STATE OF WISCONSIN
DEPARTMENT OF HEALTH SERVICES

s/ Electronically Signed by Kevin D. Bailey
Kevin D. Bailey
State Bar No. 1022636
One West Wilson Street, Room 651
P. O. Box 7850
Madison, WI 53707-7850
Phone Number: (608) 266-9543
E-mail: Kevin.Bailey@dhs.wisconsin.gov